I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 8, 2009 Signature:

(Kevin M. Kocun)

EXPEDITED PROCEDURE

Group Art Unit: 3775

Docket No.: SPINE 3.0-455 CIP CONT V

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Zubok et al.

Application No.: 10/781,484

: Group Art Unit: 3775

Filed: February 18, 2004

: Examiner: N. W. Woodall

:

For: INSTRUMENTATION AND METHODS FOR

USE IN IMPLANTING A CERVICALDISC :

REPLACEMENTDEVICE

AMENDMENT UNDER 37 CFR § 1.116

MS AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Madam:

In response to the Official Action dated February 17, 2009, finally rejecting claims 1-6 and 33-38, please amend the above-identified U.S. patent application as follows: